


Application Number 	Application/Control No. 10/687,040	Applicant(s)/Patent under Reexamination CONNORS ET AL.
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TERMINAL DISCLAIMER	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED
Date Filed : 02/14/06	This patent is subject to a Terminal Disclaimer	

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**TERMINAL DISCLAIMER TO OBVIATE DOUBLE
PATENTING REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)

ALTU-530

In re Application of: Kevin P. Connors et al.

Application No.: 10/687,040

Filed: October 16, 2003

Confirmation No.: 8964

For: TISSUE TREATMENT DEVICE AND METHOD

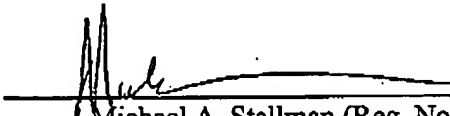
(AF)
2/15/06

Petitioner, ALTUS MEDICAL, INC., is the owner of 100 percent interest in the instant application as well as U.S. Patent No. 6,666,856, as evidenced by an assignment executed on July 13, 1999, and recorded on May 9, 2005, Reel 016522, Frame(s) 0788. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,666,856. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned is attorney of record.

Date: February 14, 2006
Michael A. Stallman (Reg. No. 29,444)

- ☐ Terminal disclaimer fee under 37 CFR 1.20(d) included.
- ☒ PTO suggested wording for terminal disclaimer was
- ☐ unchanged, ☒ changed to include specific information about the recordal of the assignment

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DATE: February 14, 2006**PAGES:** 2 (including cover)If you did not receive all of the pages in this fax, please
contact Tanisha Lawrence-Caceres at (415) 442-4900,
Ext. 112.**OUR FILE NUMBER:** ALTU-530**Regarding U.S. Appl. No. 10/687,040, filed October 16, 2003****FACSIMILE CERTIFICATE**Date of Deposit: February 14, 2006I hereby certify that this correspondence is, on the date shown below, being transmitted by facsimile to the
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